IN THE SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA

THE FLORIDA BAR,

Complainant,

vs.

F. LEE BAILEY,

Respondent.
_____/

CASE NO. SC96,767

TFB NO. 1996-51,085 (15B)
1997-50,110 (15B)

SUPPLEMENT TO
EMERGENCY MOTION FOR ABATEMENT OR STAY

Respondent, F. LEE BAILEY, by his undersigned counsel, hereby provides this Supplement to the Emergency Motion for Abatement or Stay filed yesterday, May 24, 2000, as follows:

Attached to this supplement is a memorandum received by undersigned counsel today reciting the most recent actions taken to effect service on Robert Shapiro, which may prove to be sufficient service for a deposition to be held 10 days thereafter. This information will be provided to this Court in the form of an affidavit by the process server as soon as undersigned counsel can do so.

Just as it is questionable how the Florida Bar could prove its allegations by the required standard of clear and convincing evidence if and after the Court of Federal Claims has found that no trust existed, *see* THE FLORIDA BAR v. QUICK, 279 So.2d 4, 8-9 (Fla. 1973), so also the Bar should not be permitted to claim to have met the clear and convincing standard by the testimony of a witness in a prior proceeding wherein Respondent had no fair

opportunity for cross-examination, *See* IN RE DAVEY, 645 So.2d 398, 404 (Fla. 1994).

THEREFORE, Respondent again requests that this Court grant abatement or stay.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by facsimile and mail to: David Ristoff and Debra Joyce Davis, Branch Staff Counsel, The Florida Bar, Tampa Airport Marriott Hotel, Suite C-49, Tampa, FL 33607; and by mail to Terrance Edward Schmidt, 1301 Riverplace Boulevard, Suite 1818, Jacksonville, FL 32207-9022, this 25th day of May, 2000.

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005916

By: /s/ Russell S. Bohn
RUSSELL S. BOHN
Florida Bar No.
269824

INTER-OFFICE MEMORANDUM

TO: Russ Bohn

FROM: Pat McKenna

DATE: 5/25/00

RE: Service of Robert Shapiro

On May 24, 2000 at approximately 3:30 p.m. eastern time I had one of my investigators telephone Robert Shapiro at his home.

He left a voice mail on Shapiro's home machine. [(310) 550-7755] Within minutes Shapiro returned the phone call to my investigator from his home (my investigator had caller i.d. and it was the same number)

Approximately 15-20 minutes later the process server, Kevin Rottner, spoke on the telephone to the same home phone number to a voice he recognized as Robert Shapiro's. After a brief conversation Rottner told Shapiro he had a subpoena for him and Shapiro said "I am not Robert Shapiro". Rottner then informed the voice that if he could show i.d. that he was not Robert Shapiro he would not leave the papers at his home. When he arrived at Shapiro's home a black man appeared at the door and said he was the man that had been speaking with Rottner a few minutes earlier.

Rottner informed him "you are not the same person I was speaking to; I know I was speaking to Robert Shapiro" and he left the subpoena at Shapiro's door. Rottner also informed the man that he was proceeding to Shapiro's law office with a copy of the subpoena.
